

Remarks

Claims 61-84 were pending in the subject application. Claims 1-60, 64, 66-81, and 83-84 are cancelled. By this Amendment, claims 62 and 82 have been amended. The undersigned avers that no new matter is introduced by this amendment. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 61-63, 65, and 82 are currently before the Examiner for his consideration. Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication that claim 82 is objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 82 has been so rewritten and its allowance is respectfully requested. Applicants also gratefully acknowledge the indication that claims 61, 63, and 65 are allowable and free of the prior art.

Claims 64, 66, and 68-78 are objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. Solely in the interest of expediting prosecution, these claims have been canceled thus rendering the objection moot.

Claim 62 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regards as the invention. The Office Action indicates that the claim is indefinite because the preamble refers to a polypeptide whereas the body of the claim and the claim from which claim 62 depends refers to a polynucleotide. Applicants thank the Examiner for his careful review of the claim and have amended the claim to clarify that the claim is directed to a polynucleotide sequence. In view of the amendment to the claim, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claim 67 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. It is respectfully submitted that this rejection is moot in view of the cancellation of the claim. Accordingly, withdrawal of the rejection is respectfully requested.

J:\G:\N059.US02.REG\Amend-Resp\OAResponse.doc\DN11/550

5

Docket No. G-059US02REG
Serial No. 09/513,999

Claim 84 has been rejected under 35 U.S.C. §101 because the claimed invention lacks utility. This claim has been canceled thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

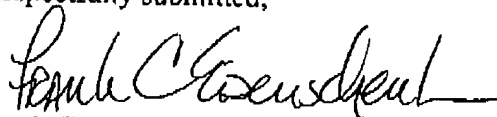
Claims 79-81 and 83 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Maclaren *et al.* (U.S. Patent No. 5,376,533 (December 27, 1994)). Solely in the purpose of expediting prosecution, claims 79-81 and 83 have been canceled. In view of these amendments to the claims, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

In view of the foregoing remarks and amendments to the claims, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
2421 NW 41st Street, Suite A-1
Gainesville, FL 32606-6669RECEIVED
CENTRAL FAX CENTER

SEP 16 2003

OFFICIAL

FCE/ssa

J:\C:\N059.1\502.REG\Amend-Resp\OAResponse.doc/DND/ssa